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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,056	10/20/2003	Lee B. Knox	H-582	9193

41245 7590 09/26/2005

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EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,056

Applicant(s)

KNOX, LEE B.

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 21-35 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.** Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 30, as presented, recites a condition (i.e., after a predetermined number of dialing attempts return an unsuccessful dialing result) and an attribute (i.e., any indication of correctness of a dialing sequence for an area code and exchange associated with said dialed call), but provides no additional method step or limitation on an existing step. As such, the claim is not further limiting on its parent claim. To advance prosecution, examiner makes prior art rejections below based on the interpretation that the claim is intended to end with the phrase --is modified--.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 30 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

3. Claim 30, as presented, recites a condition (i.e., after a predetermined number of dialing attempts return an unsuccessful dialing result) and an attribute (i.e., any indication of correctness of a dialing sequence for an area code and exchange associated with said dialed call), but

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provides no additional method step or limitation on an existing step. As such, the claim is indefinite. To advance prosecution, examiner makes prior art rejections below based on the interpretation that the claim is intended to end with the phrase --is modified--.

4. Claim 32, as presented, recites both method steps (i.e., “the method ... as recited in claim 1”) and apparatus elements (i.e., “means for inputting an area code”). As such, it is unclear to which statutory category the claim belongs. As such, the claim is indefinite. To advance prosecution, examiner makes prior art rejections below based on the interpretation that the words “means for” are deleted.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 21 through 27 and 30 through 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke et al. (US Patent 6,597,785) in view of Porter (US 2002/0137549 A1).**

7. Regarding Claim 1, Burke discloses an automatic dialer that determines a correct dialing procedure (i.e., sequence) (column 2, lines 53-60) for a phone number delivered in standard format (i.e., a uniformly formatted phone number) (column 2, lines 14-17) using steps of: providing a caller ID log (column 3, lines 47-49) that corresponds to the phone number database claimed and contains a telephone number in a caller ID record having a standard (i.e.,

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predetermined uniform format) (column 2, lines 14-17); providing a look-up table (Fig. 1, reference 130; column 4, lines 57-65) that corresponds to the call result database claimed and is updatable (column 5, lines 50-52); selecting (i.e., retrieving) a telephone number to be called from the caller ID log that corresponds to the phone number database claimed (Fig. 2, step 210; column 4, lines 40-43); determining (i.e., selecting) a particular dial out procedure (i.e., a potentially operable dialing sequence) for dialing the selected (i.e., retrieved) number from a look-up table (i.e., predetermined set of dialing sequences) (Fig. 2, step 230; column 4, lines 57-60); dialing the number using the prescribed calling procedure (i.e., selected dialing sequence) (Fig. 2, reference 240; column 4, lines 65-67) and determining call completion (i.e., result of dialing operation) (Fig. 2, step 250; column 5, lines 43-45); updating by a processor without manual reprogramming of the record in the lookup table that corresponds to the call result database claimed in association with the attempted number according to the call completion determination (column 5, lines 50-57) (i.e., automatically storing the result); determining call completion (i.e., if the call has been successfully connected) (Fig. 2, step 250; column 5, lines 43-45); and if an incorrect calling procedure was used (i.e., if the dialed call has not been successfully completed) redialing the number updating the look-up table and redialing the number (i.e., automatically selecting another dialing sequence) (column 5, lines 46-52).

Therefore, Burke anticipates all elements of Claim 1 except the determination of successful connection being automatic. Porter discloses telephone operating logic that automatically determines successful call completion in order to determine correct dialing procedure (paragraph 0034, lines 11-23). One of ordinary skill in the art would have known that automation of the completion determination would provide increased user convenience. As such, it would have

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been obvious to one skilled in the art at the time of the invention to apply automatic completion determination as taught by Porter to the dialer taught by Burke for the purpose of realizing the aforementioned advantage.

8. Regarding Claim 21, Burke further discloses repeating the dialing, storing and determining steps if the call is not completed (column 5, lines 52-53).

9. Regarding Claim 22, Burke further discloses determination of a call intercept indicating the call could not be completed. This corresponds to potential failure or potential success since an intercept could be the result of a permanent disconnection of the desired recipients service at that number or a temporary condition of the telephone network. Burke further discloses determination of a wrong number. This corresponds to the certain failure claimed since a wrong number will not become the right number in the future. Burke further discloses determination that the correct procedure has been used. This corresponds to the certain success claimed (column 5, lines 43-53).

10. Regarding Claim 23, Porter further discloses detection of call status with voice recognition (i.e., determination of correct dialing sequence by voice response) (paragraph 0034, lines 11-13).

11. Regarding Claim 24, Burke further discloses determination of call procedure by use of correct procedure determined by a previous call (column 5, lines 53-57).

12. Regarding Claim 25, Burke further discloses use of a correct calling procedure (i.e., dialing sequence) for a number with the same NPA (i.e., area code) as the number of a previous correct procedure (i.e., a certain success result) (column 5, lines 57-65). In addition, Burke

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discloses the use of a look-up table that includes office codes (i.e., exchanges) as well as NPA's (i.e., area codes) (column 6, lines 51-54).

13. Regarding Claim 26, Burke further discloses embodiments including: a computer connected to the phone station (i.e., a personal computer system); a single integral unit with the phone station (i.e., an embedded computer system); or a central processing server for a telephone system (i.e., a PBX or a distributed computing system) (column 3, lines 56-67).

14. Regarding Claim 27, Burke further discloses use on a telephone station connected via tip and ring wires (i.e., a land line) (column 4, lines 1-15).

15. Regarding Claim 30, Burke further discloses using the least widely used algorithm index (i.e., modifying the indication of correctness) if all of the more widely used algorithms result in intercept errors or wrong number (i.e., after a predetermined number of attempts return an unsuccessful result) (column 6, lines 18-20).

16. Regarding Claim 31, Burke further discloses the method first updating the look up table with the most widely used algorithm index (i.e., a preferred one of the set of sequences may be initially selected) (column 6, lines 18-20).

17. Regarding Claim 32, Burke further discloses delivery of the area code (i.e., inputting an area code) (column 2, lines 14-17) and a look-up table that associates each NPA with an algorithm (i.e., associating one preferred dialing sequence with the area code) (column 4, lines 63-65).

18. Regarding Claim 33, Burke further discloses delivery of the office code (i.e., exchange code) with the area code (column 2, lines 14-17).

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19. Regarding Claim 34, Burke further discloses storing the area codes in the look-up table that corresponds to the call results database claimed (column 4, lines 63-65).

20. Regarding Claim 35, Burke further discloses the communication is analog or digital telephone (i.e., voice or data) (column 4, lines 1-15).

21. **Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of Porter and further in view of Simpson et al. (US Patent 6,580,789).**

22. Regarding Claim 28, as shown above apropos of Claim 1, the combination of Burke and Porter makes obvious all elements except comprising a dialing sequence associated with an alternate long distance service. Simpson discloses an automatic prefix dialing system that automatically inserts a prefix code for outgoing long distance calls (column 2, lines 49-52). Simpson further discloses that such a system provides flexibility and low cost to the subscriber (column 1, lines 16-17) without requiring action or assistance from the caller (column 1, lines 36-40). It would have been obvious to one skilled in the art at the time of the invention to apply prefix insertion as taught by Simpson to the dialer taught by Burke for the purpose of realizing the aforesaid advantages.

23. Regarding Claim 29 Simpson further discloses incorporating the long distance service sequence through a dialing prefix (column 2, lines 49-52).

Response to Arguments

24. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are limited to the allegation that

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the prior art does not teach automatic determination of call completion. As stated in the prior art rejection above, Porter provides this teaching and one skilled in the art would be motivated to apply that teaching to the dialer taught by Burke.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Swerdlow
Examiner
Art Unit 2646

ds
20 September 2005